

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

United States,
Plaintiff,
v.
Marc Nunez,
Defendant

Case No. 21-cr-00013-CRB-1

ORDER RE: SENTENCING

On April 26, 2023, the Court sentenced Defendant Marc Nunez to twelve months and one day in custody and five years of supervised release. See dkt. 101. The Court reserved judgment on two issues: Whether the allegations of physical and sexual abuse should be stricken from the presentence report, and whether Nunez is subject to a \$5,000 special assessment under the JVTA. See 18 U.S.C. § 3014(a).

First, pursuant to its authority under Federal Rule of Criminal Procedure 32(i)(3)(B), the Court orders that all references to allegations of the physical and sexual abuse of a minor victim (V70) be stricken from the presentence report. As discussed at sentencing, the Court has reviewed the evidence put forth by the government and finds that the allegation is uncorroborated and was not considered in the sentencing of Nunez, and should therefore be stricken.

Second, the parties have informed the Court that the government does not seek a \$5,000 JVTA special assessment. Accordingly, the Court orders only the mandatory \$100 special assessment. See 18 U.S.C. § 3013.

IT IS SO ORDERED.

Dated: April 27, 2023


CHARLES R. BREYER
United States District Judge